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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Sixty-first session

SUMMARY RECORD OF THE 1543rd MEETING

Held at the Palais des Nations, Geneva,
on Monday, 19 August 2002, at 10 a.m.

Chairman: Mr. DIACONU

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The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 4) (continued)

Fifth periodic report of Estonia (CERD/C/373/Add.2; HRI/CORE/1/Add.50/Rev.1) (continued)

1. At the invitation of the Chairman, the members of the delegation of Estonia resumed their places at the Committee table.

2. Mr. SHAHI, referring to paragraph 33 of the periodic report, asked whether the State Liability Act had entered into force. With reference to paragraph 51 of the report, it would be useful to learn more about the ethnic origin of members of the Riigikogu (Parliament) and the percentage of administrative officers from ethnic minorities in the public services. Paragraph 81 of the report mentioned seven cases of racial violence, including one case of actual physical violence. How had the perpetrator(s) been punished? To what extent did the Estonian courts use the deterrence factor when passing sentence? Noting from paragraph 403 of the report that all Estonian courts were competent to deal with questions of human rights, and that the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination could be invoked before the courts, he said he would be grateful for details of any case law on entitlement to reparations or compensation for human rights violations. Further clarification was needed on paragraphs 413 and 414 of the report, which stated that the Estonian Supreme Court could adjudicate actions to review the conformity of an international agreement with the Constitution, a statement that appeared to imply that international instruments were subordinate to the Estonian Constitution. Finally, supplementary details should be provided about the outcome of the criminal case referred to in paragraph 448 of the report.

3. Mr. HERNDL said that the Estonian Government should indicate at some stage whether it had given any further thought to the Committee's recommendations in paragraphs 15 and 16 of its concluding observations concerning the initial, second, third and fourth periodic reports (CERD/C/304/Add.98).

4. Ms. KALJURAND (Estonia) said that any questions which the delegation was unable to answer orally would be addressed in Estonia's subsequent periodic report to the Committee. To save time and money, the report had been drafted in English. That had led to some terminological inaccuracies and confusion, to which the Committee had rightly drawn attention. Such infelicities should disappear when the Estonian authorities gained more experience in drafting human rights reports. The Committee's concluding observations were always translated into Estonian. If financial resources allowed, future consideration might be given to compiling the report in Estonian and then translating it into English, and maybe also into Russian. While still at the drafting stage, the report had been submitted to three human rights non-governmental organizations (NGOs); one had replied and its comments had been woven into the text now before the Committee; another - the Legal Information Centre for Human Rights - had chosen to submit its comments independently to the Committee.

5. Accession to the Convention on the Reduction of Statelessness and the Convention relating to the Status of Stateless Persons, among others, was not planned in 2002, but that did not rule out accession in the future. All told, there were over 140 ethnic groups living in Estonia, some represented by only a handful of individuals. Unfortunately, data from the 2000 census had been received too late to be reflected in the current report.

6. The purpose of the Estonian Government's integration process was to unify Estonian society around a set of core values and encourage the participation of non-ethnic Estonians in all spheres of national life; it was most emphatically not to change the identity of a particular ethnic group or groups. The Government's reports on the outcome of the State Integration Programme in 2001 had been approved in July 2002 and would shortly be translated and published on the Internet. All evaluations of the Programme were made by independent experts in order to ensure maximum objectivity. The draft of the State Integration Programme had been subject to public discussions in December 1999; the Minister for Population and Ethnic Affairs had subsequently received numerous proposals and comments which had been carefully considered by the drafting commission. The amended version of the Programme had been transmitted to the Government and then to Parliament prior to final adoption in March 2000. The Board of the Integration Foundation comprised 12 senior officials of various Government agencies, six of whom were from ethnic minorities.

7. In 2001 the Citizenship and Migration Board had made a concerted effort to regularize the situation of illegal immigrants and undocumented persons. A total of 3,024 target individuals had been identified in the course of the project. Of those, 80 per cent had turned out to be properly documented; 11.4 per cent were currently applying for documents or had left the country; and 7.6 per cent would be dealt with subsequently. It was to be hoped that efforts to reduce the number of undocumented persons in Estonia would benefit the children of illegal immigrants. The number of persons applying for citizenship had stabilized; ultimately the desire to become an Estonian citizen was a matter for the individuals concerned. However, lack of motivation could also be a factor: many people saw no need to apply because social and economic rights were guaranteed to everyone in Estonia regardless of their citizenship. Nevertheless, the Government was persisting in its efforts to encourage applications, for example through initiatives such as Citizens' Day.

8. Regarding knowledge of the Estonian language and the Estonian Constitution as criteria for citizenship, it should be noted that the requirements of the citizenship examination had been progressively simplified. Some held the view that Estonian was a particularly difficult language to learn, especially for adults, but the same could doubtless be said of any language. Nevertheless, in recognition of the difficulties, the Estonian Government had allocated considerable sums to adult language education and budgeted additional funds for extra Estonian language teachers. For many categories of people, between 50 and 100 per cent of learning costs were reimbursable. Finally, it should be borne in mind that there were three categories of language examination, graded by difficulty; to obtain citizenship, only the most basic level needed to be mastered. As to the matter of loyalty to the Estonian State, the Committee was correct in its assertion that the question was as much a philosophical as a legal issue.

9. Regarding family members of persons who had served in the military forces of another State, a category normally denied Estonian citizenship, it was important to clarify that children of such personnel could apply for citizenship without any restrictions. Spouses, on the other hand, would normally be refused Estonian citizenship except in very specific circumstances prescribed by law. In practice, however, the spouses of military personnel and in some cases even military personnel themselves could acquire and indeed had acquired citizenship.

10. The primary purpose of the immigration quota was to balance demographic and immigration processes. Immigration to Estonia from the European Union, Norway, Iceland and Switzerland had been negligible, and hence there was no need for any quota in respect of those countries. In any given case, the authorities were obliged to take all the immigrant's circumstances into account; a person's ethnic origin was never used as the sole basis for deciding whether he or she should be allowed to settle in Estonia. Moreover, the various categories of persons exempted from the scope of the Aliens Act had been gradually broadened, specifically to accommodate family reunification. The immigration quota changed from year to year: in 2001 a total of 685 people had been allowed to settle in the country.

11. Estonian law had recently been amended to limit the incursion of the Language Act into the private sphere. The mandatory use of Estonian in the private sphere was confined to matters of public interest (for example, public security, order, administration, health, etc.). The Language Act also permitted the use of a language other than Estonian for the purposes of local government in areas where the majority of the population was non-Estonian-speaking. In such cases, the Act specified that the other language was to be used alongside Estonian, but solely as the internal working language of the local authority. Thus the official working language would always be Estonian. In 1995 the central Government had received two requests for the use of another language in the work of local government, both of which had been rejected because they failed to conform to the requirements of the Language Act. When corresponding with local government agencies, everyone was entitled to receive a reply in the same language as that of the original communication. Prisoners were fully entitled to communicate with the prison authorities in Russian. Election posters were by law supposed to be in Estonian, but in practice the Language Inspectorate had allowed Russian-language advertisements in areas where the majority of the population spoke Russian; no administrative sanctions had been imposed.

12. The role played by the Language Inspectorate in monitoring compliance with the Language Act should not be underestimated. In cases of non-compliance, the Inspectorate would issue a prescription, setting a deadline by which the employee concerned had to have attended a language course and have taken the appropriate language proficiency examinations. The Inspectorate could propose the dismissal of the employee, but the final decision had to be made by the employer, taking into account all relevant circumstances. Employees were able to contest their dismissal before the Commission of Labour Disputes or in court; additional information about such court cases would be provided in the next periodic report. It was worth noting that there had been cases of dismissal among police officers and prison officials.

13. All civil servants were required to possess a level of Estonian that allowed them to carry out public functions and were encouraged to learn foreign languages. Language requirements for people working in the private sector had been introduced in 2001; various institutions were monitoring compliance with those requirements, which could be revised if necessary.

14. It was true that fewer funds had been allocated to the social competence subprogramme within the State Integration Programme, because the main priority had been linguistic and communicative integration as the basis for other aspects of integration. However, the budget would be reconsidered in the future.

15. The aim of the 1999 programme "Increasing employment, avoiding long-term unemployment and preventing exclusion from employment of persons belonging to risk groups" was to prepare an employment action plan and various subprogrammes. The plan for 2002 had been prepared by various government ministries, social partners and other institutions and was structured in conformity with the employment guidelines of the European Union. It outlined the problems connected to the Estonian labour market and implementation of the labour policy and listed concrete steps to improve the situation. Various initiatives had been introduced to raise the competitiveness of minorities on the labour market; for example, free language courses had been offered to 600 unemployed persons in an area populated mainly by Russian speakers.

16. The draft Equality Act provided for the creation of the Equality Council, whose role would be to monitor compliance with the principles of equality, including in the workplace. Any person would be able file a complaint to the Council in a case of alleged discrimination. The burden of proof would be reversed in such cases, so that the person against whom the complaint had been filed would have to provide evidence to the contrary. Internal legal procedures were under way to make the declaration under article 14 of the Convention, which would provide individuals with greater protection at international level.

17. In reply to a question about health insurance for foreigners not covered by compulsory health insurance, she said that emergency medical assistance was provided for everybody, pursuant to the procedures established by international agreements, irrespective of legal status or income. The costs were borne, if necessary, by the local government.

18. Between 1997 and 2001, Estonia had received 63 applications for asylum and had granted asylum to four individuals. Seven people had been granted residence permits on humanitarian grounds. Most applications had been from Iraqis. Although the refugee problem was not acute, a new refugee centre was being built in preparation for the possible inflow of asylum-seekers following Estonia's accession to the European Union, and the Refugee Act was being constantly reviewed in order to comply with international standards. Estonia had worked closely with the United Nations Office of the High Commissioner for Refugees (UNHCR); its liaison officer for the Baltic region had recognized that impressive progress had been made to establish a fair and efficient national asylum system.

19. After referring the Committee to the provision of the Aliens Act and the obligation to leave and Prohibition of Entry Act, and to the Functions of the Citizenship and Migration Board, as described in paragraphs 147 to 151 of the report, she said that the Legal Chancellor paid close attention to the concerns of all persons, irrespective of their legal status or nationality. Since 2001, three regional offices of the Legal Chancellor had been opened to improve communication between the people and the State, staffed by representatives from the region concerned.

20. Since the launch of the State Programme "Integration in Estonian Society 2000-2007", there had generally been a more positive attitude towards integration and greater tolerance towards other nationalities and ethnic groups. In a recent survey, 84 per cent of Estonians had agreed that different nationalities could peacefully co-exist and cooperate with one another. Conflicts between different ethnic groups were virtually non-existent. More detailed results would be provided in the next periodic report.

21. Some offences against foreigners could be considered to be racially motivated under the relevant articles of the Criminal Code. Only a few such offences had been recorded; most were minor and incurred fines or warnings. There were approximately 40 skinheads in Estonia and the authorities were monitoring their activities closely.

22. The legal provision prohibiting marriage between adoptive parents and their adopted children and between children adopted by the same person had been introduced because the act of adoption created a special tie between individuals. Adoption was an irreversible process and could not be conditional. It was worth noting that mature children could not be adopted.

23. With regard to Muslim marriages, Estonian laws drew no distinction between spouses, parents and children on the basis of their religious beliefs. All children could inherit equally. No statistical information could be provided on the number of Muslims because the question of religion in the population census had been optional, out of respect for freedom of religion. Although there were currently no mosques in Estonia, Muslims did have access to special places of worship and discussions were being held on choosing a suitable location for building a mosque.

24. Amendments to the Citizenship Act, which would shorten the procedures for acquiring citizenship, were currently under discussion in Parliament. Article 29 of the Constitution stipulated that an Estonian citizen had the right to choose freely his or her sphere of activity, profession and place of work. Citizens of foreign States and stateless persons in Estonia shared that right equally with Estonian citizens, unless otherwise specified by law. For example, only Estonian citizens could become State and municipal officials, judges, police officers, President and high-ranking government officials. There were currently no discussions on whether to allow non-citizens to participate in political parties.

25. Russian was the second language of instruction used in State schools, after Estonian. Certain subjects were also taught in French, German, English and other languages. In 2002, the Government had passed a regulation stipulating that pupils at Estonian-language schools whose mother tongue was not Estonian could learn their mother tongue and could choose to take at least two classes a week on their cultural history, as long as there were at least 10 pupils in the school with the same mother tongue and only if their parents requested such classes. Many of the national minorities in Estonia had established Sunday schools to provide teaching on their language, cultural history, literature, geography and music. Most Sunday schools were free of charge, funded either by embassies or mother countries, by the Association of National Minorities of Estonia or by the State. Language schools and courses were also provided.

26. In reply to a question about the practical everyday use of minority languages, she said that, in accordance with the National Minorities Cultural Autonomy Act and the Language Act, persons had the right to use their mother tongue in public administration and to distribute and exchange information in their mother tongue. Radio 4 provided daily round-the-clock radio broadcasting in Russian, weekly programmes in Ukrainian and Belarusian and monthly programmes in Armenian, informing non-Estonians about Estonian political, social, cultural and daily life. Estonian Television showed about 35 minutes of Russian-language programmes every day. The public media played an important role in introducing the cultures of ethnic and national minorities into society. Several private television channels also broadcast similar programmes. Russian-language newspapers included two national dailies, several local newspapers and a free weekly newspaper. Several national cultural societies published newspapers in their own language and some of them had a web site. Such publications served not so much the purpose of distributing information as maintaining the minority's language and culture.

27. The State Liability Act had entered into force in January 2002. Estonia had a monist legal system and the principles and rules of international law could be directly applied. If any conflicts arose between domestic and international law, the provisions of international law prevailed. Under the Estonian Constitution, international agreements could not be concluded if they were contrary to the Constitution. The question of whether or not an agreement was unconstitutional arose during the drafting stage and thus precluded the possibility that at some stage Estonia would be party to an international agreement that was contrary to the Constitution.

28. Ms. HION (Estonia) said that, in the March 1999 parliamentary elections, the predominantly Russian-speaking Estonian United People's Party had won six seats in Parliament. In reply to questions about specific cases of discrimination and racism, she said that the State Court had recently convicted Andrey Bayrash under article 72 of the Criminal Code for inciting ethnic hatred and had fined him 4,100 Estonian crowns. It was often difficult to determine whether or not a crime was racially motivated. For example, it had emerged that a recent case involving an outbreak of violence between a group of Estonian and a group of Latvian youths had been personally, rather than racially, motivated. On the issue of compensation, she said that, although the State Liability Act had only entered into force in 2002, a number of plaintiffs had already claimed compensation from the Government authorities. As far as she was aware, there were no cases whereby a plaintiff had claimed compensation through the procedures under the Convention.

29. Mr. RESHETOV said that the delegation's suggestion that foreign residents of Estonia were not applying for citizenship because their rights were protected in any event prompted the comment that other sources revealed that the rights of non-citizens were significantly limited. Clarifications would be welcome. The delegation had also indicated that international organizations held positive views with respect to the protection of rights in Estonia: he would welcome specific citations.

30. Furthermore, he understood that the language used on a local government council must be Estonian; he would like to know whether that meant that if the majority of the members of a council were Russian, for example, they were required to converse in Estonian. He had been pleased to learn that there was no requirement that advertising should appear only in Estonian.

31. Finally, he said that the United Nations published all reports to the human rights treaty bodies in the official languages, one of which was Russian. The Government could simply request copies from the Secretariat and need not pay the costs of translating its report into Russian.

32. The CHAIRMAN, speaking as a member of the Committee, said he understood that Estonia was attempting to reconstruct a sense of statehood after 50 years; during those 50 years, the understanding of human rights had greatly evolved. It was significant that emphasis was now placed on the protection of national, ethnic and racial minorities. He had heard such phrases as "unified society" and "integration"; he had also heard the phrase "respect for identity". There was often a fine line between such concepts. He hoped that efforts to harmonize society did not mean the disappearance of specificity and identity.

33. He was troubled that Estonia recognized only citizens as members of minority populations. From a human rights standpoint, all persons sharing the same language and the same ethnic origins must be considered members of a minority. Since non-citizens who belonged to a minority were accorded the right to participate in local elections, it seemed that they should be considered members of that constituency. The requirement that 50 per cent of the members of an administration must belong to a particular minority before the language of that minority could be used as a language for official business was too high: 25 per cent might be more appropriate. By way of general comment, he said that Estonia had indeed made many improvements over the last decade. It must, however, avoid self-satisfaction and continue to strive for improvement.

34. Mr. ABOUL-NASR, after expressing regret that, since Arabic was not an official language for the Convention, the United Nations did not provide the periodic reports in Arabic, enquired what problem had arisen in the selection of a building site for a mosque; he hoped that construction would begin as soon as possible. He would also like to know what happened to asylum-seekers whose request was rejected.

35. He did not agree with other members of the Committee that States parties should be urged to make the declaration under article 14; that was an optional clause. He also felt that the Committee should consider the communications it received under that article with greater seriousness; it currently rejected the majority of them.

36. Ms. KALJURAND (Estonia) said that Estonia agreed that the number of applications for citizenship should be higher, and was working to improve that situation. Citizenship was personal and voluntary, however, and there were limits to what the Government could do. She pointed out that the Advisory Committee on the Framework Convention for the Protection of National Minorities had stated that it welcomed the more inclusive approach toward national minorities that the Estonian Government seemed to be taking.

37. It was mandatory for the local government councils to conduct their work in Estonian, and it was their prerogative to decide whether to translate documents into other languages as well.

38. Although in fact the mosque had not yet been built, that did not prevent Muslims from practising their religious rites in special rooms set aside for that purpose. The relevant council was currently discussing proposed building sites, and, once the site was selected, planning for its construction could begin.

39. As far as the Government was aware, no asylum-seeker had yet been deported. Some cases might still be pending; under Estonian law, asylum-seekers had the right to appeal such decisions, and the legal process could be lengthy. Finally, she assured the Committee that the delegation had taken note of all its comments and observations.

40. Mr. KJAERUM (Country Rapporteur) said that the extensive report and the comprehensive answers to the Committee's questions testified to the seriousness with which the Government of Estonia took its commitment under the Convention. It was clear that Estonia had made great progress in the preceding decade; as in any society, improvements remained to be made. He commended the Government for its open dialogue with NGOs and with a broad sector of civil society, as it was vital that persons living in a country should have a sense of active involvement in the formulation of strategies, actions and goals. He was particularly pleased by the definition of the term "integration" to mean engagement in community life at all levels.

41. The decrease in the number of persons granted Estonian citizenship was a matter of concern. The Committee recognized that the State party had made significant efforts, yet it must be asked why people were not applying for citizenship, why applications were rejected, and how the system could be improved to encourage people to apply. The Government should continuously monitor and analyse the obstacles, and should alter its policies with a view to decreasing the number of stateless people residing in that country.

42. It was essential to consider the question of language in relation to the labour market, and to pose the question whether language requirements were creating a barrier for entering the labour market or provoking other forms of indirect discrimination.

43. He noted that the Legal Chancellor and the administrative courts were working to respond to harassment complaints. However, the Government should consider establishing other kinds of mechanisms to regulate acts of racism and xenophobia: courts, in general, were expensive and cumbersome mechanisms, and often not the best forums for dealing with such matters.

44. Lastly, he said that the Committee welcomed Estonia's efforts toward making the declaration under article 14.

45. Ms. KALJURAND (Estonia) confirmed that the Estonian Government was studying the matter of article 14, in preparation for the formulation of a draft law to be submitted to Parliament. She thanked the Committee for the candid discussion.

46. The CHAIRMAN thanked Estonia for the frank and constructive dialogue.

47. The delegation of Estonia withdrew.

The meeting was suspended at 11.25 a.m. and resumed at 12.10 p.m.

Dialogue on the preliminary version of the sixth to fifteenth periodic reports of Fiji (continued) (CERD/C/61/Misc.25/Rev.1)

Draft observations of the Committee

48. The CHAIRMAN recalled the Committee's preliminary discussion with the representative of the Government of Fiji with respect to its sixth to fifteenth periodic reports, to be submitted in their final version for consideration at the Committee's March 2003 session. On the basis of that discussion, the Country Rapporteur had drawn up a set of preliminary observations, contained in draft document CERD/C/61/Misc.25/Rev.1. He invited the Committee to discuss the draft text paragraph by paragraph.

Paragraph 1

49. Ms. JANUARY-BARDILL (Country Rapporteur) said that the word "observations" should be inserted after the word "following".

50. Paragraph 1, as amended, was adopted.

Paragraph 2

51. Mr. ABOUL-NASR questioned whether the Committee should state that it welcomed the submission of 10 periodic reports at once. It might be more appropriate to express concern or regret.

52. Ms. JANUARY-BARDILL (Country Rapporteur) said that, since Fiji had been so reluctant to submit reports, she had simply wanted to include some words of encouragement and acknowledgement.

53. The CHAIRMAN suggested that, to resolve that problem, the word "notes" could be inserted in the first sentence, before "the submission". He also suggested that the final sentence should conclude with "the efforts it has made", since in fact no detailed information had been provided.

54. Paragraph 2, as amended, was adopted.

Paragraphs 3 and 4

55. Paragraphs 3 and 4 were adopted.

Paragraph 5

56. Mr. ABOUL-NASR requested the deletion of the paragraph.

57. Mr. HERNDL pointed out that the reason given by Fiji, in its preliminary report, for not making a declaration under article 14 was because of the existence of adequate remedies in domestic and international law. The Government was merely being asked to provide information on their nature. Furthermore, under article 9 of the Convention, the Committee was requested to consider the reports of Governments on the measures taken to implement the Convention, including article 14.

58. The CHAIRMAN, speaking as a member of the Committee, said that the representative of Fiji who had appeared before the Committee had apparently misunderstood the significance of article 14, and that the Government of Fiji was under the impression that where remedies already existed there was no need to make the declaration.

59. Mr. BOSSUYT said that paragraph 5 did not contain any expression of concern that Fiji had not made the optional declaration. It merely took note of the information provided and requested further clarification on the existing remedies.

60. Mr. AMIR suggested that the Committee might wait to hear what the delegation of Fiji had to say on the matter when it presented the final version of the report in March 2003.

61. Mr. TANG Chengyuan, supported by Ms. JANUARY-BARDILL (Country Rapporteur), said that paragraph 5 contained two separate issues: the remedies that already existed in Fiji under domestic and international law and article 14 itself. He therefore proposed finding an appropriate formulation whereby the Government was asked to provide information on the remedies and, as a separate matter, encouraged to make the optional declaration.

62. Mr. ABOUL-NASR said he would bow to the majority decision provided that whatever solution was decided on was also applied to other States parties in the future.

63. The CHAIRMAN explained that Fiji was a special case and that other States parties did not make the connection between domestic and international remedies and article 14. He supported the solution proposed by Mr. Tang Chengyuan and Ms. January-Bardill and suggested the following wording: "The Committee wishes that the State party provide more information on existing remedies in Fiji under domestic and international law to deal with individual communications on cases of racial discrimination."

64. Mr. SICILIANOS suggested the addition of the phrase "as well as on their accessibility and efficiency" after "discrimination".

65. Paragraph 5, as amended, was adopted.

Paragraph 6

66. The CHAIRMAN suggested deleting the words "and that the present preliminary concluding observations be similarly publicized" since they were not yet available.

67. Paragraph 6, as amended, was adopted.

68. The draft observations of the Committee on the preliminary version of the sixth to fifteenth periodic reports of Fiji were adopted.

CONSIDERATION OF COPIES OF PETITIONS, COPIES OF REPORTS AND OTHER INFORMATION RELATING TO TRUST AND NON-SELF-GOVERNING TERRITORIES AND TO ALL OTHER TERRITORIES TO WHICH GENERAL ASSEMBLY RESOLUTION 1514 (XV) APPLIES, IN CONFORMITY WITH ARTICLE 15 OF THE CONVENTION (agenda item 7) (CERD/C/414; CERD/C/61/CRP.1/Add.10; CERD/C/61/CRP.2/Add.5; A/AC.109/2001/2-18)

69. The CHAIRMAN, replying to a question from Mr. ABOUL-NASR, said that the Committee had not appointed a working group on Non-Self-Governing Territories during the current session. He had considered the working papers on the various Territories prepared by the secretariat for the Special Committee and the Trusteeship Council and had noted that they contained very little information on the implementation of the Convention or the ethnic composition of the population in those Territories. They were useful as background documents, but they would not help the Committee to draw conclusions on whether or not the Convention was being respected. Moreover, under article 15, the Committee was required to submit all relevant information to the competent bodies of the United Nations, not to States parties administering those Territories. In the Committee's draft report to the General Assembly (CERD/C/61/CRP.1/Add.10), paragraph 6 (a) clearly stated that no copies of petitions had been received; paragraph 6 (b) said that more systematic attention should be given to matters directly related to the principles and objectives of the Convention; and paragraph 6 (c) called on States parties to include, or to continue to include, in their reports relevant information on the implementation of the Convention. As a whole, the paragraph accurately reflected the limitations on the Committee's ability to fulfil its reporting obligations.

70. He recalled that the Committee, at its fifty-ninth session, had requested Mr. Pillai to serve as rapporteur on agenda item 7.

71. Mr. PILLAI drew attention to document CERD/C/61/CRP.2/Add.5 containing the list of working papers received by the Committee at its sixtieth and sixty-first sessions in conformity with article 15 of the Convention. One of the 17 reports on Non-Self-Governing Territories referred to East Timor which had attained full independence at the beginning of 2002. It might, therefore, be appropriate to deal with it separately. The information provided on the remaining 16 Territories was, in general, scant; however, the situation in two of the countries was of relevance to the work of the Committee. The first was the United States Virgin Islands where, in 1997, more than 300 black farmers had submitted a class action law suit against the United States Department of Agriculture alleging discrimination against black farmers in the disbursement of loans. In January 1999, the dispute had been settled in favour of the farmers, who had been awarded monetary compensation. In January 2000, the Rural Development Office of the United States Agriculture Department had been alleged to have employed discriminatory practices against blacks and Hispanics who had tried to participate in its housing loans and grants programme. The outcome of that dispute was not recorded.

72. The second case concerned Bermuda where, in July 2000, the legislature had passed a law requiring every company with more than 10 employees to present detailed information on its

racial make-up. The law was opposed by the Bermuda Employers Council. According to the report, surveys had shown that many among the black population believed they suffered racial discrimination in the workplace, particularly in the international business sector which was dominated by white overseas workers. In 1995, the Territory had set up a Commission for Unity and Racial Equality which had established voluntary guidelines for companies to follow to eliminate racial discrimination, although it might be assumed to have been ineffective.

73. With regard to other Territories, the ethnic composition of the populations of New Caledonia, American Samoa and the Cayman Islands could mean that future developments there made their respective situations relevant to the work of the Committee.

74. The CHAIRMAN said that the Committee should be seen to be taking its obligations seriously, and consequently proposed asking Mr. Pillai to encapsulate the short presentation he had just made in one or two paragraphs and to call upon the local administrations to continue to provide information on ethnic composition, participation in self-government, employment, education and new anti-discrimination measures.

75. Mr. YUTZIS said that the provisions of article 15 of the Convention relating to Non-Self-Governing Territories had not been handled consistently. At times they had been treated rather informally and at others had been the subject of substantive discussions. Although Mr. Pillai's work was a welcome development, the reconvening of the working group would provide a means of presenting a report to the United Nations that met the requirements of the agenda item.

76. Mr. ABOUL-NASR said that, given the importance of the subject, it would be more appropriate to state simply that the relevant documents had not been made available by the Secretariat, rather than compose a hurried and superficial statement.

77. The CHAIRMAN said that, since some cases of racial discrimination had come to light in the working papers, such information should be submitted to the competent bodies of the United Nations with a request that they provide more information for the Committee to discuss at its future sessions.

78. Mr. PILLAI said that he would prepare two paragraphs, one relating to actual cases of racial discrimination and the other to cases where the ethnic composition of the population might be relevant to the Committee's work in the future.

79. The CHAIRMAN suggested that there should also be a paragraph welcoming the independence of East Timor.

80. Mr. YUTZIS agreed that it was necessary to request more information, but the request should be drafted in such a way as to appear more than a mere formality. Mention should also be made of the fact that the Committee was considering reconvening the working group in the future to ensure fuller compliance with article 15 of the Convention.

The meeting rose at 1.05 p.m.